IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 10534 of 2005

Between:

Tirumala Suryachandra Rao, S/o.Satyam, Hindu,

55 years, R/o.Atlapadu village, Nidaqdavolu Mandal,

West Godavari District.

..... PETITIONER

AND

1. Asst. Commissioner of Endowments, Eluru, West Godavari District.
2. Sri Visweswaraswamy Temple, Atlapadu, Nidadavolu Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the 1st respondent in rejecting the claim of the petitioner vide his orders Rc.No.A4/4410/04, dated 16.07.2004 in respect of the leasehold rights of the petitioner is highly unjust, arbitrary, contrary to Section 82 of A.P. Endowments Act, suffers from non- application of mind, illegal and unsustainable and consequently direct the respondents not to evict the petitioner from the land in question.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: MS. N.INDRANI (S.C. FOR THE TEMPLE)

The Court at the stage of admission made the following :

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O R D E R :

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This writ petition is filed by the petitioner aggrieved by the order dated 16.07.2004 passed by the first respondent-Assistant Commissioner of Endowments, declaring that the petitioner is not a landless poor and therefore, not entitled to any relief.

The petitioner states that though the Order was shown to have been passed on 15.07.2004, it was actually served on him only a week ago.

It is not in dispute that the said order was passed in exercise of the powers under Rule 3 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003, (for short, 'the Rules') made under G.O.Ms.No.379, dated 11.03.2003. Under Rule 4 of the said Rules, an appeal lies to the Regional Joint Commissioner, having jurisdiction.

In the circumstances, I am of the view that without exhausting the said remedy of appeal, the petitioner cannot maintain this writ petition. Accordingly, this writ petition is disposed of granting leave and liberty to the petitioner to work out the remedy of appeal as provided under Rules. However, having regard to the facts and circumstances of the case, *status quo* obtaining as on today as to the nature and possession of the land in question shall be maintained for a period of four weeks from today.

Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI, J.

Dated: 28th April,2005.

NOTE:

Issue C.C. by tomorrow.

B/O

CS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Commissioner of Endowments, Eluru, West Godavari District.
2. Sri Visweswaraswamy Temple, Atlapadu, Nidadavolu Mandal, West Godavari District.
3. Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, Hyderabad. (O.U.T)

4. 2 CD copies

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